

1 **HOFLAND & TOMSHECK**  
2 Joshua Tomsheck, Esq.  
3 State Bar of Nevada No. 009210  
[josht@hoflandlaw.com](mailto:josht@hoflandlaw.com)  
4 228 South 4<sup>th</sup> Street, 1<sup>st</sup> Floor  
5 Las Vegas, Nevada 89101  
(702) 895-6760  
(702) 731-6910 facsimile  
*Attorney for Defendant*

6  
7 **IN THE UNITED STATES DISTRICT COURT**  
8  
9 **FOR THE DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA

11 Case No.: 2:20-cr-00276-GMN-EJY

12 Plaintiff,

13 vs.

14 Stipulation and Order to Continue  
15 Sentencing and Disposition Date

16 DAVID HOWARD BABIT,

17 Defendant.

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28 IT IS HEREBY STIPULATED AND AGREED by and between Christopher Chiou, Acting  
United States Attorney, and Bianca R. Pucci, Assistant United States Attorney, counsel for the United  
States of America, and Joshua Tomsheck, Esq., counsel for Defendant, DAVID HOWARD BABIT,  
that the Sentencing and Disposition currently scheduled for May 26, 2021 at 10:00 A.M. to a date and  
time to be set by this Honorable Court in the month of July 2021, excluding July 26, 2021 through  
July 30, 2021.

This Stipulation is entered into for the following reasons:

1. This is the second Sentencing and Disposition continuance request.
2. The additional time requested herein is not sought for purposes of delay, but to allow Defense  
counsel additional time to visit and speak with Mr. Babit.
3. Defendant is in custody and does not object to the continuance.
4. The parties agree to the continuance.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

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1       6. For the above stated reasons, the parties agree that a continuance of the Sentencing and  
2       Disposition Date would best serve the ends of justice in this case.  
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6       DATED this 18<sup>th</sup> day of May 2021.  
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9       CHRISTOPHER CHIOU  
10      ACTING UNITED STATES ATTORNEY  
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13      /s/ *Bianca R. Pucci*  
14      BIANCA R. PUCCI  
15      Assistant United States Attorney  
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18      /s/ *Joshua Tomsheck*  
19      JOSHUA TOMSHECK, ESQ.  
20      Attorney for Defendant  
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22

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA  
Plaintiff,  
vs.  
DAVID HOWARD BABIT  
Defendant.

Case No.: 2:20-cr-00276-GMN-EJY

**Stipulation and Order to Continue  
Sentencing and Disposition Date**

## FINDINGS OF FACT

Based upon the pending Stipulation of counsel, and good cause appearing therefor, the Court hereby finds that:

This Stipulation is entered into for the following reasons:

1. This is the second Sentencing and Disposition continuance request.
2. The additional time requested herein is not sought for purposes of delay, but to allow Defense counsel additional time to visit and speak with Mr. Babit.
3. Defendant is in custody and does not object to the continuance.
4. The parties agree to the continuance.
5. Additionally, denial of this request for continuance could result in a miscarriage of justice.
6. For the above stated reasons, the parties agree that a continuance of the Sentencing and Disposition Date would best serve the ends of justice in this case.

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## ORDER

IT IS HEREBY ORDERED that the Sentencing and Disposition date in the above-captioned matter currently scheduled for May 26, 2021 at 10:00 A.M. be vacated and continued to Wednesday, July 21, 2021, at 9:00 a.m. in Courtroom 7D before Judge Gloria M. Navarro.

DATED this 19 day of May, 2021.

UNITED STATES DISTRICT JUDGE

Respectfully Submitted By:

/s/ Joshua Tomsheck  
Joshua Tomsheck, Esq.  
Nevada Bar No. 009210  
Attorney for Defendant